

REMARKS/ARGUMENTS

The Examiner is thanked for the clarity and conciseness of the Office Action and for the citation of the references which have been studied with interest and care.

Claim Rejections - 35 U.S.C. § 103

Claims 1-27 were rejected under 35 U.S.C. 103(a) as being unpatentable over Carney et al. (hereinafter, "Carney", U.S. Pat. No. 6,449,663) in view of Duke et al. (hereinafter, "Duke", U.S. Pat. No. 6,573,910).

Carney discloses a method and apparatus for adjusting an interval of polling a peripheral device (e.g., a printer) based on a change in the working status of the peripheral device. As referred to in Carney, the term "working status" may indicate whether a peripheral device is in the process of performing a job or task. The working status may also indicate if an alert has occurred at the peripheral device. [Col. 3, lns. 28-32.]

In one embodiment, the working status is determined by reading a Management Information Base (MIB) which "may also include additional information, such as the speed of printing pages, the time that passes before the first page of a document is printed, and/or the rate at which the working status stored in the MIB is updated." [Col. 3, lns. 37-41.] Carney also indicates that factors in adjusting the polling interval can include "the content of a print job" (e.g., polled less frequently if a graphical image is being printed) as well as "the speed of the respective peripheral device." [Col. 5, lns. 32-36.]

In contrast with Carney, Applicant teaches a method wherein a "state of job progress" is used to set a delay time for polling a device. In an example embodiment, "an expected job completion time" is used to determine the delay time.

Carney provides no disclosure of determining a state of job progress. Carney's teaching of merely determining whether a job is still processing, or of determining whether an alert condition is present, does not equate to determining a state of job progress. Nor does Carney disclose or suggest determining an expected job completion time and using this to determine a delay time for polling a device.

Duke discloses providing information about the present state of the customer's job upon request by the customer, and a remote processing equipment scheduler/rescheduler which provides an estimate of the timing of use of various pieces of remote processing equipment.

Duke does indeed employ "polling" of remote processing equipment locations to determine the current state of the remote document processing equipment, the equipment

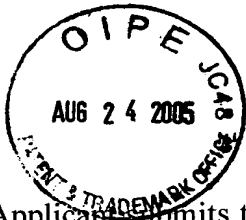
location and the customer's job. However, Duke does not disclose or suggest adaptive polling as claimed by Applicant, namely, "setting a delay time depending upon the state of job progress[,] and querying the device for job information after the delay time has passed." (E.g., claim 1.)

As noted above, in Duke, the scheduler/rescheduler provides an estimate of the time of the use of the equipment. [Col. 6, ln. 46.] This generalized job processing teaching does not -- it is respectfully submitted -- disclose or suggest a method for adapting a polling rate for collecting job information from a device which includes determining from a state of job progress when a next query for job information is to be made.

Thus, with respect to independent claims 1, 18, 26 and 27, the collective teachings of Carney and Duke fail to disclose or suggest determining a state of job progress and setting a device polling delay time depending upon the state of job progress. With respect to dependent claim 9 and independent claim 13, the collective teachings of Carney and Duke fail to disclose or suggest determining an expected job completion time and setting a device polling delay time depending upon the expected job completion time.

Further with respect to claims 10-12, the collective teachings of Carney and Duke fail to disclose or suggest the claimed limitations pertaining to the setting of the delay time. Further with respect to claims 19 and 20, the collective teachings of Carney and Duke fail to disclose or suggest the claimed limitations pertaining to adjusting the polling rate.

For the reasons discussed above, it is respectfully submitted that Applicant's claims would not have been obvious to one of ordinary skill in the art over the collective teachings of the cited references. Withdrawal of this rejection is respectfully requested.



CONCLUDING REMARKS

Applicant submits that the application is in condition for allowance. Concurrence by the Examiner and early passage of the application to issue are respectfully requested.

Respectfully submitted,

August 22, 2005

Peter L. Holmes
Reg. No. 37,353
Attorney for Applicant

HENRICKS, SLAVIN & HOLMES LLP
840 Apollo Street, Suite 200
El Segundo, California 90245-4737
Telephone: (310) 563-1454
Facsimile: (310) 563-1460